

**Monorail Review Panel
Executive Session
Meeting Minutes
May 28, 2003
Key Tower Room 2750**

Panelists

Mimi Sheridan
Cary Moon
Vlad Oustimovitch
Nancy Henderson
Paul Tomita
Nic Rossouw
Steve Sheehy
Dan Foltz
Blaine Weber
Ralph Cipriani

City Staff

John Rahaim
Kathy A Dockins
Layne Cubell
Barb Wilson
Diane Sugimura

The meeting began with introductions all around. Steve Sheehy asked for a point of clarification before we address the agenda: Is this group subject to the Open Public Meetings Act? If so, we can't legally hold an Executive Session and expect to make any decisions. There are limited exceptions to the requirement (usu. involving litigation or business deals); however, there seems to be no doubt we are subject to it. The opportunity for an Executive Session occurs within a meeting, and no vote or action can be taken. That said, we will still follow today's agenda but make no decisions. Rather, we will determine which of today's agenda items require action, and make sure they are on the agenda for the June 16 meeting.

Review Panel Goals and Responsibilities

John introduced Diane Sugimura, DCLU Director. She is happy to meet everyone on the Panel and thank them in person for the commitment they've made. The Monorail will be built, and she looks forward to objective and impartial review by this Panel.

Review Background Materials

John reminds the Panel that its recommendations are advisory, and that its under the umbrella of the Design Commission because they review projects in the right-of-way. To avoid confusion, the Design Commission has begun to clarify the wording in its actions, e.g. saying "the Commission recommends approval" as opposed to "the Commission approves" etc. To whom are we advisory? To the DCLU Director, to City Council, to the SDoT Director, and to the SMP. The Panel is to advise City Council on the best use of the right-of-way. The permits should be granted around the end of the year (although the Seattle Center alignment is separate because it is on City property). City employees are the Panel's audience as well, as they'll be making decisions every day and will need input. Diane adds that DCLU and SDoT are working very closely with Permitting, so things should go smoothly. There are 22 permits to be approved. SMP hopes for approval in six months, but Diane thinks a year is more realistic.

There was general agreement that the Panel would need to meet with the DBOM contractors and review their work as well. The Panel can help control costs by providing good design guidance. There was some concern that more time was being allowed for the contractors' proposals than for the RFP. The RFP needs to be very clear so there isn't a huge variance in the bids we get.

Dan Foltz wanted clarification on the Panel's options if proponents don't follow the advice it gives. Cary related a situation in which the Design Commission disagreed with the proponents of a major project and discussed their concerns with City Council, who intervened on the Commission's behalf.

With regard to the Commission's actions, the goal is to have the intent of the wording be clear, but open enough to allow room for compromise, which sometimes has to happen. John added that while a handful of projects have been struggles, by and large the proponents take the DC's advice seriously. And Joel seems very happy that the MRP will be there for them. The main things to remember are that this is a public issue, which will help the MRP keep SMP accountable; there may be times when the MRP has to compromise; and the MRP brings legitimacy and objectivity to the whole process.

The Panel needs to seize the opportunity to define its expectations up front. Getting the schedule from Ethan would be useful; Diane indicates that Ann Levinson has promised to provide it. Also, DCLU is getting more involved in the project and will sometimes need more direct contact. Will we make a case for one contractor over another?

When we get the schedule that will help us determine a schedule for the review process. We'll also want to review the urban design work being done by the eight firms chosen by SMP.

John wants to develop a manual or handbook for the MRP (much like that of the DC or LRRP). Steve suggests we use it as a tool until we're in accord with SMP, but keep it as a draft until then. We need to refine the mission statement; John went over the document and talked about what would be fleshed out. LRRP adopted its own guidelines; Lesley's can be adopted . . . Ralph wants us to really clarify the mission statement. It needs to be a "what" not a "how." It needs to be focused and targeted. The document can be reviewed via e-mail and will be on the agenda for the next meeting (for adoption).

John then distributed the plan that was approved by the voters, the staff's preferred alignment (more specific than the decision; remember the EIS does not assume a preferred alternative); and two DC/PC monorail position papers (one on system-wide issues and one covering station or route issues). The Panel is interested in a separate briefing session if it would include more information than is in these documents. An optional briefing session will be scheduled. They also definitely need the most recent version of the voter decision.

Panel Operations

The Design Commission has requested that the Chair should be a member of the Design Commission, but we are open to suggestion. The time commitment will be considerable, so perhaps a Vice Chair or co-Chair situation would be the best. The decision can't be made today, although the names of a few people were suggested. Everyone seems to want a better idea of what the Panel will be doing before they commit. Chair selection and the possibility of having two co-Chairs will be on the agenda for the next meeting.

Panel staff will consist of a Panel Coordinator and four other DCLU Monorail staff. The staff's role should be more prominent in presentations to the Panel. LRRP was more focused on Sound Transit presentations. However, we do want to stay away from staff making specific recommendations on Panel actions.

Policy needs to be developed regarding Panel members' outside activities. We can't do it today, so that is also on the agenda for next week's meeting. Issues of concern revolve primarily around objectivity and legitimacy as opposed to ethics: ethics issues are primarily business-related and any Panel problems will probably have more to do with perception. For example, Steve wondered if it could be a problem that Sound Transit is his employer. Ralph says no, because the other Panelists are not assumed to be representing their employers, so why would Steve be singled out?

The three primary issues are:

- 1) outside activities of individual Panel members;
- 2) contact between individual Panel members and members of the public; and
- 3) which member(s) have the authority to speak on the Panel's behalf. John will bring the Design Commission Handbook to the next meeting for guidance. Clarification of #2 above: yes, Panelists can speak to members of the public at meetings, but no, they shouldn't be calling you at home (or vice versa). Steve clarifies that any private conversations need to be brought to the table at public meetings. Having strict rules about this type of interaction depersonalizes it and makes it easier for the Panelists to avoid getting caught up in outside dialogue.

There was general agreement that each body represented on the panel should make its own determination as to the outside activities of panel members. This will be further discussed at the next meeting.

The policies will be drafted and while they cannot be approved via e-mail, they will be distributed electronically for review prior to the next meeting. Cary requests that the policies include that minority opinions should be included and conveyed in Panel recommendations.

Meeting Schedule and Procedures

The 1st/3rd Monday schedule looks like it will work. Special meetings will be kept to a minimum and will always be subject to public notice in the future (no more "private" meetings).

Role of Each Board/Commission

There was some confusion as to whether or not the Design Review Board representatives were to be representing the interests of their local community groups. Each member is actually representing the community as a whole. The individual DRB reps will be bringing their knowledge of and familiarity with each particular neighborhood, but they do not represent that neighborhood's interests alone.

Questions?

Paul wants to know if the Panelists will get parking permits . . . yes, Kathy will work on that. Nic revisited his question from the last meeting as to whether the Panel will have a representative from the Office of Arts and Cultural Affairs. John reiterated that since their reorganization OACA has not responded favorably, but he will continue to ask them about it.

The meeting adjourned at 6:15.